

REMARKS

Claims 1-29 are pending. Claims 22-25 have been withdrawn as being drawn to non-elected inventions. 37 CFR 1.142(b). Claims 1-21, 26-27 and 29 have been amended. Support for amendment to claim 1 is seen in the originally filed claims 5 and throughout the application. No new matter has been introduced into the application by way of amendment.

Restriction:

Applicants confirm the election of group I, claims 1-21 and 25-29 with traverse.

There is no doubt that the Examiner has established that Groups I-III are patentably distinct. Nevertheless, the product of Group I, the composition comprising the product of group I, Group II, and the method of using such products in Group III are sufficiently related such that the search for one group would be at least partially coextensive with another and thus, not an undue burden on the Examiner. In searching the subject matter of Group I, related to products of formula I, concurrently one would also be searching the prior art for the at least several compositions comprising the same and methods of using such products. As outlined in MPEP section 821.04, once the product of group I is found to be allowable, all composition and method claims that depend from or otherwise include all the limitations of the patentable product should as a matter of right be rejoined with the product claims of group I.

Applicants' attorney respectfully requests that upon notification of allowable compound claims, the Examiner rejoin the composition and method of use claims equal in scope with the product claims. See MPEP 821.04 section on rejoinder.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and modify this restriction requirement.

Rejection under 35 USC 112, second paragraph:

Claims 1-21 and 25-29 were rejected as being allegedly indefinite. While not agreeing with the propriety of the rejection and solely to advance prosecution, the claims have been amended in line with the Examiner's suggestions. Thus, withdrawal of the rejection is respectfully requested.

AMENDMENT
U.S. Appln. No. 10/718,403

Rejection under 35 USC 103(a):

(a) Claims 1-4, 8, 12 and 21 are rejected as being unpatentable over King (US 4,797,387). While not agreeing with the propriety of the rejection and solely to advance prosecution, the definition of A has been amended to delete the option where A is -(CH₂)₂- . Applicants believe the amendment to the definition of A is sufficient to overcome the rejection. Therefore, withdrawal of the rejection is respectfully requested.

(b) Claims 1-4, 8, 12, 16 and 21 are rejected as being unpatentable over Takeuchi (EP 747,355).

While not agreeing with the propriety of the rejection and solely to advance prosecution, the definition of A has been amended to delete the option where A is -(CH₂)₂- . Applicants believe the amendment to the definition of A is sufficient to overcome the rejection. Therefore, withdrawal of the rejection is respectfully requested.

(c) Claims 25-27 are rejected as being unpatentable over Mach (US 6,113,877).

While not agreeing with the propriety of the rejection and solely to advance prosecution, the definition of A has been amended to delete the option where A is -(CH₂)₂- and the definition of R4 has been amended to remove chlorine from among the substituents on the phenyl moiety. Applicants believe the amendment to the definition of A and R4 are sufficient to overcome the rejection. Therefore, withdrawal of the rejection is respectfully requested.

(d) Claims 1-6, 8-10, 12-14 and 21 are rejected as being unpatentable over Mach (US 6,113,877) in view of King (US 4,797,387) and/or Takeuchi (EP 747,355) and/or Banholzer (US 5,770,738).

While not agreeing with the propriety of the rejection and solely to advance prosecution, the definition of A has been amended to delete the option where A is -(CH₂)₂- and the definition of R4 has been amended to remove chlorine from among the substituents on the phenyl moiety. Applicants believe the amendment to the definition of A and R4 are sufficient to overcome the rejection. Therefore, withdrawal of the rejection is respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that this application is now in condition for allowance and earnestly request such action.

AMENDMENT
U.S. Appln. No. 10/718,403

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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